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OFFICE OF PETITIONS

In re Patent No. 7,297,313 :
Issued: November 20, 2007 :
Application No. 08/482,933 :
Filed: June 6, 1995 :
Attorney Docket No. AFFY-018/02US 011851-
2109 :

ON PETITION

This is a decision on the petition filed November 14, 2007, requesting that the above-identified application be accorded a filing date of June 6, 1995, rather than the presently accorded date of June 7, 1995. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 6, 1995, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. TB 888886812 US, showing a handwritten "date-in" of "6-6-95." The same Express Mail receipt number appears on the original "Request for Filing Divisional Application."

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on June 6, 1995.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been charged.

This matter is being referred to the Office of Patent Application Processing (OPAP) for further processing with a filing date of June 6, 1995, along with a corrected filing receipt. Thereafter, the application will be forwarded to the Certificate of Corrections Branch for issuance of a Certificate of Correction, reflecting the proper filing date.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to OPAP or the CofC Branch.

Liana Walsh
Petitions Examiner
Office of Petitions